IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23318 of 2004

Between:

P. Parvathi W/o Gangadhar
Yeguvapalli (V), Garladinne Mandal, Anantapur District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Anantapur, Anantapur District
2 The Mandal Revenue Officer, Garladinne Mandal, Anantapur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the notification dt 07-12-2004 for appointing the Fair Price shop Dealer in respect of the Yeguvapalli Village, Garladinne Mandal, Anantapur District without giving any notice and without canceling the subsisting authorisation of the petitioner is as illegal, arbitrary irrational and violation of Article 14 of Constitution of India and consequently to set aside the notification dt 07-12-2004 issued by the 1st respondent.

Counsel for the Petitioner:MR.S.LAKSHMINARAYANA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following ORDER:

The petitioner was appointed as a fair price shop dealer, on temporary basis, about five years back for Yeguvapalli village, Garladinne Mandal, Anantapur District.

The first respondent issued a notification dated 07-12-2004 inviting applications for appointment of a dealer for that shop on regular basis. The same is challenged in this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

It is contended on behalf of the petitioner that the authorisation in her favour is valid up to 31-03-2005 and in that view of the matter there was no justification on the part of the first respondent in issuing the present impugned notification.

It is not in dispute that the petitioner was appointed as a fair price shop dealer on temporary basis. By its very nature, it would be in force till a regular dealer is appointed. The renewal of authorisation till 31-03-2005 is to enable the petitioner to continue as long as her temporary dealership subsists. It cannot be said that the petitioner is entitled to continue as the dealer up to that date as of right. The first respondent is empowered to appoint dealers on regular basis whenever a vacancy exists. No exception can be taken to the impugned notification. It shall be open to the petitioner to submit an application, if she is otherwise eligible, and the same shall be considered along with that of the others.

Hence, the writ petition is dismissed. It is, however, directed that till a regular dealer is appointed, in pursuance of the impugned notification, the petitioner shall be permitted to continue as the temporary dealer as long as no irregularities are found

to have been resorted to by her. No order as to costs.

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15-12-2004

To

1 The Revenue Divisional Officer, Anantapur, Anantapur District
2 The Mandal Revenue Officer, Garladinne Mandal, Anantapur District

3 Two CCs to the Government Pleader for Civil Supplies, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.